



Homeland  
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# Questions and Answers

## Q&As: BACKGROUND INFORMATION

### Introduction

The Department of Homeland Security's US-VISIT program, which will serve to protect the United States and its territories from threats to national security, is one of the Agency's top priorities. The program will initially provide the capability to record the entry and exit of non-US citizens into and out of the United States, and provide officials with information about persons who are in the United States in violation of the terms of their admission to the United States. The US-VISIT Program will initially apply to non-immigrants (with limited exceptions) holding non-immigrant visas.

- The goals of US-VISIT are to:
  - Enhance the security of our citizens and visitors
  - Facilitate legitimate travel and trade
  - Ensure the integrity of the immigration system
  - Safeguard the personal privacy of our visitors

### What are the laws authorizing the US-VISIT Program?

The principal law that mandates the creation of an automated entry exit system that integrates electronic alien arrival and departure information is the Immigration and Naturalization Service Data Management Improvement Act of 2000 (DMIA). DMIA amended previous legislative requirements for an entry exit system that would record the arrival and departure of every alien who crosses the US borders. DMIA requires that the entry exit system consist of the integration of all authorized or required alien arrival and departure data that is maintained in electronic format in Department of Justice (now Department of Homeland Security) and Department of State databases. This integrated entry exit system must be implemented at all air and sea ports of entry by December 31, 2003 using available air and sea alien arrival and departure data as described in the statute. In Section 110 of the Illegal Immigration Reform and Immigrant Responsibility

## **How did the terrorist attacks of September 11, 2001, affect the implementation of the system?**

The tragic acts of September 11, 2001 increased the urgency to create a comprehensive entry/exit system, and the Congress passed two important acts that have a significant impact on the US-VISIT Program:

- In the USA PATRIOT Act, Congress expressed a requirement for “speed” in the implementation and included the requirement that the White House Office of Homeland Security (OHS) be consulted with respect to the establishment of the Entry and Exit Program. The PATRIOT Act also introduced the concept of biometrics to establish a technology standard that would be used in the development of the US-VISIT System.
- The Enhanced Border Security and Visa Entry Reform Act expanded on the USA PATRIOT Act and the Data Management Improvement Act by directing increased requirements for US-VISIT System integration, interoperability with other law enforcement and intelligence systems, biometrics, and accessibility.

## **What agencies under the Department of Homeland Security are working together to create the US-VISIT Program? What other Departments or agencies are working with DHS?**

The US-VISIT Program team consists of representatives from the various components of DHS responsible for border security, including the US Immigration and Customs Enforcement, US Customs and Border Protection, and the Transportation Security Administration. US Citizenship and Immigration Services is also represented. Other DHS components that assist the US-VISIT team include the Directorate for Management and the Science and Technology Division. In addition, outside the DHS, the team consists of representatives from the Department of Transportation, the Department of State, The Department of Commerce, the Department of Justice and the General Services Administration.

## **Who is responsible for enforcing the program?**

The Secretary of Homeland Security is responsible for enforcing the provisions which are the basis for establishing a comprehensive entry/exit system. Within the Department of Homeland Security, the Under Secretary for Border and Transportation Security is responsible for implementing US-VISIT.

### **How will the US-VISIT entry procedures work?**

Many of the procedures in place today will remain unchanged and are familiar to international travelers. A US Customs and Border Protection Officer will review each visitor's travel documents, such as a visa and passport, and ask questions about the visitor's stay in the US.

In addition, the US Customs and Border Protection Officer will use an inkless digital "fingerscanner" to electronically capture two "fingerscans" of arriving visitors holding visas. The visitor will be asked to put the left index finger and then the right index finger on the scanner. The Customs and Border Protection Officer will also take a digital photograph of the visitor.

The biographic and "fingerscan" data will be used to verify the identity of the visitor and will be compared against watch lists. At that point, the US Customs and Border Protection Officer will either admit the visitor or conduct additional inquiries based on the verification results. These procedures should reduce fraud, identity theft, and the risk that terrorists and criminals will enter the United States undetected.

### **How does a US Customs and Border Protection Officer determine that a person requires additional or secondary screening?**

If the data provided indicates possible national security concerns, other law enforcement concerns, improper documentation, or any other ground of inadmissibility to the United States then the officer will refer the visitor for additional screening or assistance.

### **What is the process for visitors with visas exiting the US?**

On January 5, 2004, the US-VISIT program office began a pilot test of departure confirmation systems, beginning with an automated exit kiosk. When leaving the country from certain ports, visitors with visas will 'check out' at an automated self-service kiosk, located within the secure area of major international airports or seaports, where visitors with visas will scan their travel documents and repeat the digital "fingerscanning" process on the inkless device. If additional assistance is needed, a US-VISIT attendant will be available to assist with the "fingerscanning" and document scanning process. In 2004, US-VISIT will pilot several alternatives for exit and after an evaluation, select the most effective process.

**What happens after a person ‘checks out’? How quickly will you know if they have overstayed their visit?**

The arrival and departure records will be stored in the Arrival/Departure Information System (ADIS). This information will verify if an individual has complied with the admission terms of his or her visa. It is important that those required to go through departure control comply, so that they may be re-admitted to the United States on future visits.

ADIS data is constantly updated, and if a visitor overstays his or her allotted time, US-VISIT will record the failure to depart.

**How will you check to identify if a visitor has overstayed his or her visit?**

Arrival and departure records are reconciled, and any inconsistency allows US-VISIT to determine when a visitor has overstayed.

**What are the consequences for an individual who overstays his or her visa?**

Depending upon the individual circumstances, an individual who violates immigration laws by overstaying his or her period of admission may be subject to removal from the United States and may be barred from future entry, or from receiving a new visa.

**Will US-VISIT apply to people of all ages (babies, the elderly, disabled, etc)?**

Specific classes of diplomats and some other officials are exempt from biometric enrollment under US-VISIT. There are also other exemptions, such as visitors under age 14 and over age 79 will also be exempt from US-VISIT procedures.

The US VISIT Program will initially apply only to foreign visitors seeking admission on non-immigrant visas and will not include visitors seeking admission under the Visa Waiver Program or lawful permanent residents (green card holders). At this time, the US VISIT Program will not apply to foreign visitors seeking entry at land border ports of entry.

The Department of Homeland Security will publish a federal register notice on January 5, 2004 that will indicate the classes of foreign nationals that will be initially required to comply with the US VISIT biometric requirements and will also list the air and sea ports where the entry and exit components of the US-VISIT system will initially be operational.



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## **Q&As: NSEERS AND US-VISIT**

*US-VISIT is a Department of Homeland Security program that enhances our country's entry and exit system for foreign nationals requiring a visa to enter the United States. Through US-VISIT, the United States will be able to effectively verify the identity of incoming visitors and confirm compliance with immigration laws while continuing to facilitate the process for legitimate trade and travel.*

### **When was the National Security Entry Exit Registration System (NSEERS) deployed, and will it be part of the US-VISIT program?**

NSEERS was a project focusing on a smaller segment of the non-immigrant population deemed to present a particular national security. The National Security Entry Exit Registration System (NSEERS) was introduced at all ports of entry on October 1, 2002.

Currently, at the ports of entry, officers have the discretion, based on national security criteria and intelligence reports, to refer an individual from any country to a more detailed secondary inspection.

When US-VISIT's entry and exit procedures are fully operational, they will subsume the place of the NSEERS program.

### **What is domestic registration or "call ins" for certain countries?**

Males born on or before November 15, 1986, and who are nationals of designated countries, were required to register at a local district immigration office. The process included an interview by an immigration officer and the collection of fingerprints and a photograph. The list of countries required to register were the following: Iran, Iraq, Libya, Sudan, Syria, Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, Yemen, Pakistan, Saudi Arabia, Bangladesh, Egypt, Indonesia, Jordan, and Kuwait.

### **When was the last registration?**

The last domestic registration period ended on April 25, 2003.

**Will NSEERS continue under the Department of Homeland Security?**

**Yes it will. Although, DHS recently suspended the 30-day and annual interview requirements, registration at the ports of entry still continues and all registrants leaving the United States must depart from a designated port of departure.**

Once the US-VISIT program is fully implemented, it will provide the crucial information necessary on visitors to the United States for border security and facilitation purposes and US-VISIT will subsume NSEERS.

**With the end of domestic registration, does that mean that there is no longer a 30-day or annual requirement to register?**

The 30-day and one-year re-registration requirements were discontinued on December 2, 2003. However, DHS has the discretion to notify the individual foreign visitors subject to NSEERS registration to appear for at least one continuing registration interview to determine whether the foreign visitor is complying with the condition of a nonimmigrant visa status and admission.

When a foreign visitor registered under Student and Exchange Visitor Information System (SEVIS) notifies DHS of a change of address or change of educational institution through SEVIS, it also constitutes a notification for the purposes of NSEERS registration.

The Department of Homeland Security has determined that the fully implemented, US-VISIT and other new processes being implemented will meet the national security needs that NSEERS previously fulfilled.



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## **Q&As: DEADLINES AND TIMING**

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### **What are the deadlines for completing a comprehensive, automated entry/exit program at all ports of entry (POEs)?**

The law requires that an automated entry/exit program be implemented at air and seaports by December 31, 2003; the 50 busiest land ports of entry (POEs) by December 31, 2004; and all POEs by December 31, 2005.

### **What are the deadlines by which a biometric identifier must be included in documents?**

By October 26, 2004, countries in the Visa Waiver Program are mandated by the Enhanced Border Security and Visa Entry Reform Act to certify that they have programs to issue their nationals machine-readable passports that incorporate biometric identifiers that comply with standards established by the International Civil Aviation Organization (ICAO). In addition, by the same time, the Secretary of Homeland Security and the Secretary of State must issue only machine-readable documents that use biometrics.

### **What is the timing for having an exit system in place?**

On January 5, 2004, US-VISIT will begin piloting one alternative departure confirmation system which will be an automated, self-service kiosk where visitors with visas will scan their travel documents and repeat the digital "fingerscanning" process on this inkless device. In 2004, US-VISIT will pilot other alternatives for exit and after an evaluation, select the most effective process. As the departure confirmation system is phased in during 2004, biometric exit data will be added to the system. If their port of departure has a departure confirmation system in place, visitors traveling with a visa will be required to confirm their departure prior to leaving the United States.



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## **Q&As: VISA WAIVER COUNTRIES**

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### **Will there be a new set of rules applied to the Visa Waiver Program countries?**

Initially, the US-VISIT program will apply only at land and seaports to most foreign visitors applying for admission to the US pursuant to a non-immigrant visa upon their arrival and upon their departure if they exit from certain locations. At this time visitors who seek to enter under the Visa Waiver Program (VWP) will not be included in the US-VISIT program.

The Visa Waiver Permanent Program Act of 2000 directed the collection of records of arrival and departure for every foreign visitor who travels by sea or air and who is provided a waiver under the VWP. The act required that these air and sea VWP records be incorporated into an automated entry exit system.

As of October 1, 2002, no visa waiver may be granted to a foreign visitor if the carrier is not submitting data electronically to our automated system. This requirement is currently being met.

In addition, by October 26, 2004, countries in the Visa Waiver Program are mandated by the USA PATRIOT Act to certify that they have programs to issue their nationals machine-readable passports that incorporate biometric identifiers that comply with standards established by the International Civil Aviation Organization (ICAO). Any passport issued after October 26, 2004, must be an ICAO-compliant travel document that uses biometrics, if the bearer applies for admission into the United States under the Visa Waiver Program.



**Which countries are in the Visa Waiver Program?**

Andorra, Austria, Australia, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom (For citizens with the unrestricted right of permanent abode in England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.)



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## **Q&As: BIOMETRICS**

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### **What does the word “biometric” mean?**

A measurable, physical characteristic or personal behavioral trait used to recognize the identity, or verify the claimed identity, of an enrollee. Among the features that can be measured are: face, fingerprints, hand geometry, handwriting, iris, retinal, vein, and voice. Biometric technologies are the basis of an extensive array of highly secure identification and personal verification solutions.

### **When will a biometric capability be employed in the system?**

The Secretary of Homeland Security announced that US-VISIT would have the capability to collect biometrics, initially digital “fingerscans” and photographs, at air and sea ports by the end of 2003.

### **Who will decide which biometric(s) are implemented in the system?**

According to the Enhanced Border Security and Visa Entry Reform Act, the Secretary of Homeland Security and the Secretary of State shall jointly establish document authentication standards and biometric identifiers standards to be employed on such visas and other travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations. The National Institute of Standards and Technology (NIST) recommended the use of digital fingerprints and photographs as the biometrics to be used for US-VISIT.

## **Which biometrics are individuals required to submit for admission to the United States?**

The National Institute of Standards and Technology (NIST) recommended, and the Secretary of Homeland Security and the Secretary of State have approved, the use of digital fingerprints and photographs as the biometrics that will be used in the US-VISIT system for US-issued travel documents. In addition, the International Civil Aviation Organization (ICAO) has selected facial recognition as the globally interoperable biometrics to be used for international travel. The US-VISIT system will be designed to accommodate these technologies.

## **What does biometrics add to the security equation?**

The addition of biometric identifiers, such as digital “fingerscans”, makes our security systems more effective than the current process. Currently, only biographic data such as a visitor’s name is compared against watch lists of suspected terrorists, criminals and other violators. The use of biometric identifiers in addition to biographic data will make it more difficult for suspects to hide their true identities in an attempt to escape detection and enter the United States illegally.

Biometric identifiers also protect our visitors because it makes it virtually impossible for anyone else to claim their identity should their travel documents be stolen or duplicated. Biometric identifiers will also reduce fraud and abuse of the immigration system.

By combining these entry and exit processes, and by securely storing the travel records, we can account for visitors who are required to travel here on a visa.

## **Is there a fee for those who will need to obtain a biometric visa?**

The Department of State is the administrator of the program and will determine if there is a change in the fee for issuance of a biometric visa.

## **When will DHS have the equipment and software in place at ports of entry to read biometric documents?**

Congress mandated in the Enhanced Border Security and Visa Entry Reform Act that by October 26, 2004, equipment and software to allow biometric comparison and authentication of all United States visas and other travel and entry documents must be installed at all ports of entry.

**Will US citizens be required to submit biometric data?**

No. US citizens will not be required to be digitally “fingerscanned” or photographed upon entering the United States. However, US citizens wishing to participate in the Dedicated Commuter Lane (DCL) programs such as SENTRI and NEXUS or other facilitated processing programs may voluntarily submit biographic and biometric data to facilitate their travel.

The Department of State will begin issuing machine-readable United States passports that include digital technology in the future. Facial recognition, which involves electronically calibrated measurements of a person’s face to verify identity, was selected by the International Civil Aviation Organization (ICAO) as the globally interoperable biometric for identity verification in travel documents.

**Is biometric data captured on all temporary visitors and immigrants regardless of country of origin?**

Initially, we will capture biometrics from visitors with a non-immigrant visa regardless of country of origin, except for most Canadian citizens. However, as the US-VISIT program evolves, the program may be expanded in accordance with applicable laws and regulations, in order to meet national needs.

The United States has existing agreements with Canada, and under current policy, most Canadians are not subject to US-VISIT.



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## **Q&As: INFORMATION COLLECTION & USE**

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### **What information will be collected, and how will it be stored?**

The US-VISIT program will collect information on foreign visitors' arrivals and departures by date, nationality, classification and biometric identifiers. The information will be stored in databases maintained by DHS and the Department of State as part of an individual's travel record.

### **Who will have access to the information?**

The system will be available to US Consular Officers, US Customs and Border Protection Officers at ports of entry, special agents in the US Immigration and Customs Enforcement, adjudications staff at US Citizen and Immigration Services offices, and other appropriate federal, state, and local law enforcement personnel.

### **Why do these people need access to this information?**

They need access to this information to secure our nation and our visitors from those wanting to do harm. While the collection of biometrics helps facilitate legitimate travel and trade, the information also identifies non-immigrants who may have overstayed their visas or otherwise violated the terms of their admission. Access to this information assists in the adjudication of immigration benefits, and assists certain other federal, state, and local law enforcement agencies on a need to know basis.

### **How will that information be protected?**

Only authorized officials will have access to the data, and only for official business on a need-to-know basis. Careful safeguards will ensure that the data is not used or accessed improperly. In addition, the DHS Privacy Officer will review pertinent aspects of the program to ensure that proper safeguards are in place.

**What is Advance Passenger Information, and how will that be part of the system?**

The Advanced Passenger Information System (APIS) is information on passengers collected in advance of their arrival by airlines and cruise lines and sent electronically to the US Government. The information is crucial to the clearance of passengers when they arrive at the ports of entry. This advance information will allow the US-VISIT system to pre-position data necessary for security and expediting purposes.

As of October 1, 2002, passenger arrival and departure information on individuals entering and leaving the United States under the Visa Waiver Program (VWP) has been electronically collected from airlines and vessels, through CBP's Advance Passenger Information System (APIS).

**What information is currently collected on arriving and departing passengers?**

Currently, officers collect the information contained in the Machine Readable Zone (MRZ) on a travel document: name, date of birth, nationality, gender, passport number, document number, document type (passport, visa), and country of issuance. In addition, we collect carrier information such as flight number, etc.

**What will be collected under the US-VISIT program?**

Passenger information to be submitted in advance includes: complete name; date of birth; citizenship; gender; passport number and country of issuance; country of residence; alien registration number (where applicable); and complete address while in the United States.

**Because temporary visitors must fill out an Arrival/Departure Card (I-94), doesn't the government already capture this information?**

Yes, however, the airlines and cruise ships have always been required by law to submit this information. The new laws do require the information in advance of the arrival of the foreign national as well as in an electronic format.

**Once that data is captured, how is it used?**

The Advance Passenger Information System (APIS) sends this data to the Interagency Border Inspection System (IBIS) which is a subset of the Arrival and Departure Information System (ADIS) for matching arrivals and departures and reporting purposes. The ADIS sends all arrival information on students to the Student and Exchange Visitor Information System (SEVIS), which enables the US Immigration and Customs Enforcement (ICE) to notify the schools that a new foreign student has arrived and should be at their school within 30 days.

In practice, the arrival and departure records are based on passenger manifest information that carriers transmit to CBP. As of October 1, 2002, waivers may not be provided to a temporary foreign visitor arriving by air or sea at a port of entry in the United States on a carrier unless the carrier is electronically transmitting passenger data.



## **Q&As: ATLANTA PILOT**

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### **How many travelers underwent the US-VISIT entry procedures during the test?**

More than 20,000 passengers participated in the voluntary US-VISIT pilot test in Atlanta.

### **Where were the flights coming from during the Atlanta test?**

Central and South America, Europe, Asia and South Africa.

### **What airlines were participating?**

All airlines serving international routes participated.

### **What was the average US-VISIT processing time that you recorded in Atlanta?**

US-VISIT added an average of 15 seconds to passenger processing time.

### **What obstacles have you encountered during the test?**

No significant problems emerged during the pilot. Officers were trained on the new screens and the process. Signage at the immigration areas helped passengers understand the simple procedures.

### **How did travelers know what to do at the inspection booth?**

They received explanatory cards in different languages on their airplanes, have read posted signs and were assisted by the US Customs and Border Protection Officers.





## **Q&As: LAND BORDERS**

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### **Because of processing delays, won't US-VISIT hurt cross-border commerce and travel along the border between the United States and Mexico?**

We do not anticipate that US VISIT will add significant delays at land borders but we are very mindful of concerns about that, and have been meeting with various community groups along the border to discuss their concerns. We anticipate utilizing advanced technology to meet statutory requirements, while minimizing delays. US VISIT is not required to be implemented at the 50 busiest land border ports until December 31, 2004.

### **How much time will the new system add to border crossings?**

Both the President of the United States and the United States Congress have mandated that border security enhancements not adversely affect legitimate travel and trade. In accordance with these mandates, US VISIT will be designed to keep processing times to a minimum.

### **Will there be an exit requirement in the border areas?**

The Department of Homeland Security is working in partnership with the private sector to identify the optimum set of solutions for land border processing.

### **Will there be a change in policies for people with green cards?**

At this time, US VISIT only applies to foreign visitors seeking to be admitted pursuant to a non-immigrant visa who travel through designated air and seaports. It does not yet apply to immigrants or lawful permanent residents (green card holders).

**Will individuals have to pay an additional fee to cross the border under this system?**

No. The United States Congress appropriated \$380 million in FY 03 and \$330 million for FY 04 to cover the financial cost of the US-VISIT program. Currently, there are no plans to charge an additional fee to cross the border.



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## **Q&As: OPERATIONS & PROGRAM MANAGEMENT**

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### **What progress has been made in the implementation of the US-VISIT Program?**

Secretary Ridge approved the creation of a **US-VISIT program office**, and positions have been approved to fill the organization and manage the program.

Of the \$380 million in FY 03 spending, US-VISIT funding includes the purchasing of new computers and other equipment currently at 115 airports and 14 seaports.

### **Will a more comprehensive check in/check out system at the ports of entry cause significant delays at the air and sea ports of entry?**

We do not believe so. Most of the arrival processes remain unchanged and are familiar to international travelers. Only two additional procedures have been added to the current inspection process – capturing two digital “fingerscans” and taking a digital photograph. The process is fast and easy.

As part of the enhanced procedures, visitors traveling on visas will be photographed and have two digital “fingerscans” taken at the Passport Control primary booth using a simple, inkless device. All of the data and information is then compared against our inspection and law enforcement databases to verify the visitor's identity and assist the officer in making better admissibility decisions. The “fingerscanning”, photographing and verification adds a few seconds. At that point, the US Customs and Border Protection Officer will either admit the visitor or conduct additional inquiries based on the verification results.

Through the use of advance information, the US government will be better able to assess individuals entering the US, which will enable officers to expedite processing of visitors who enter the country legally. Our goal is to both improve our security system as well as facilitate the flow of legitimate trade and travel. Over time, we will continue to enhance the entry-exit system.

**How much money has the US-VISIT program received in fiscal year 03?**

The US-VISIT Program has received \$380 million for FY 03.

**How much money has the US-VISIT program received in fiscal year 04?**

Congress appropriated \$330 million in fiscal year 04; however the appropriations laws require that DHS submit a spending plan and meet other conditions and obtain approval from the Appropriation Committees before we may obligate any of the \$330 million.

**How are you working with the travel and airport/seaport industries to keep them updated and address their concerns about the program?**

We are working closely with the air and sea industry regarding the requirements of the US-VISIT program. We see our relationship as a partnership and will continue to work together to secure our nation's borders while facilitating legitimate travel and trade.

**When was the Request For Proposals (RFP) issued?**

In accordance with our published schedule, the RFP was issued in November 2003. The RFP incorporates an acquisition strategy to ensure the latest technologies available will be incorporated into US-VISIT. The contract for this technology is expected to be issued in May 2004.

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